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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,389	02/01/2001	Ram Benz	35743-00001	7752

7590

06/16/2004

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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,389

Applicant(s)

BENZ, RAM

Examiner

Stella L. Woo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10, 12, 14, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Young (US 5,606,143).

Regarding claims 1, 8-9, 12, 14, Young discloses a hand-held device (portable apparatus 10) comprising:

an elongated case (elongated casing 11;
a first audio signal input (music data from ROM 121 or integrated circuit card 12; col. 6, lines 28-32);
a second audio signal input (microphone unit 13; col. 5, lines 31-38);
means for mixing (mixer 72; col. 7, lines 55-57);
a first audio output (transmitter 74 transmits signals from mixer 72 to an external speaker unit; col. 7, lines 57-64).

Regarding claims 2-4, 10, Young provides for an audio jack (earphone jack 115; col. 8, lines 5-11).

Regarding claims 5-7, note Figure 2.

Regarding claim 22, note DSP chip (col. 6, lines 52).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takao (US 5,349,480).

Young differs from claims 11 and 13 in that it does not teach a volume adjustment or a vocal suppress button. However, Takao, from the same field of endeavor, teaches the use of a volume adjustment (volume dial 18c) which adjusts the signal from the microphone (col. 5, lines 18-20) in a portable audio device such that it would have been obvious to an artisan of ordinary skill to incorporate such means for adjusting the voice input volume, as taught by Takao, within the device of Young in order to allow for manually controlling the volume of audio input via the microphone, allowing for the volume balance desired by the user.

Regarding claim 13, Takao teaches suppressing a voice from recorded material via a element 90b (col. 15, lines 20-32) such that it would have been obvious to an artisan of ordinary skill to incorporate such recorded voice suppression, as taught by Takao, within the device of Young in order allow the user the option of singing with or without the assistance of the recorded voice.

5. Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Scrivens et al. (US 6,728,518 B1, hereinafter "Scrivens").

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Young differs from claims 15-21 in that it does not specify a fastening means. However, since Young describes his device as being portable, and Scrivens teaches the desirability of securing a portable audio device to a user by means of various fastening means (Velcro, clip, chains, etc.; col. 3, lines 13-20), it would have been obvious to an artisan of ordinary skill to incorporate such fastening means, as taught by Scrivens, within the portable device of Young in order to allow for convenient transport by the user.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee, Ng, Takao, and Agarwal et al. show other portable audio mixer devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


STELLA WOO
PRIMARY EXAMINER